

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. DA-09-0510

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

**STATE OF MONTANA, EX REL.
DEPARTMENT OF
ENVIRONMENTAL QUALITY,**

Plaintiff/Appellant,

vs.

BNSF RAILWAY COMPANY,

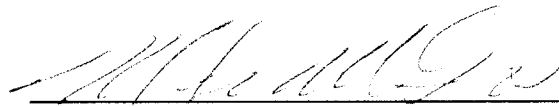
Defendant/Appellee/Cross Appellant.

**ORDER GRANTING
WITHDRAWAL OF APPEAL**

The Court having reviewed Appellant Swank Enterprises' Withdrawal of Appeal and good cause appearing therefor;

IT IS HEREBY ORDERED that the Swank Enterprises' Notice of Appeal is withdrawn.

DATED this 22nd day of January, 2010.

A handwritten signature in cursive script, appearing to read "Mike McGrath", written over a horizontal line.

Mike McGrath, Chief Justice